



PATENT

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Q/A
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

CONNELLY, Jay H.

Serial No.: 09/216,457

Examiner: Angela A. Armstrong

Filing Date: December 18, 1998

Art Unit: 2654

Title: METHOD AND APPARATUS FOR
REDUCING CONFLICTS BETWEEN
SPEECH-ENABLED APPLICATIONS
SHARING SPEECH MENU

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REPLY BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

Appellant respectfully submits this Reply Brief in the above-referenced appeal. The Examiner's Answer fails to address an important point made in Appellant's Appeal Brief. As Appellant has made clear in earlier submissions, the prior art does not teach or suggest comparing candidate sound commands from multiple applications to a previously-stored sound command, and installing the sound commands of each application unless an accuracy value determined therefrom is less than a predetermined value. For this reason, Appellant maintains his contention that the claims reciting this feature define patentable subject matter over the cited references, and therefore Appellant requests this Board to reverse the outstanding rejections with respect to these claims.

Devices are Different from Applications.

Claims 8-12, 32-34, and 43-46 are directed to a speech-enabled apparatuses for developing a speech menu to control at least two speech-enabled applications. Claim 8 recites: "A speech-enabled apparatus for developing a speech menu to control at least two speech-enabled applications"

Throughout prosecution of the present patent application, the Examiner has failed to cite any reference that teaches or suggests controlling multiple speech-enabled applications, as required by claim 8. Instead, the Examiner has only cited references such as *Diehl*, which describe speech based communication systems that control more than one device, as if devices and applications were interchangeable. In the Examiner's Answer to Appellants' Appeal Brief, the Examiner relies on *Diehl* yet again, maintaining that because *Diehl* controls more than one device, he must also control more than one application. See Examiner's Answer p. 24-25.

Appellant respectfully disagrees.

In the context of the present invention, a device is a physical apparatus that is controlled via a specific set of predetermined commands. See, e.g., specification at 4:28-34 (listing examples of electronic devices). However, as the present invention makes perfectly clear, an application is not a hardware device, but is rather a software program. See, e.g., specification at 2:7-9 (defining a speech-enabled *application* as having a menu and being executed by a computer). Additionally, the term "application" is well known in the art to be synonymous with "software program." Programmers are often called "application developers." Microsoft creates "APIs" – Application Program Interfaces – that enable application developers to build Windows applications or "Windows Apps." The term has become so common that it has its own abbreviation ("app") and comes in its own variety of flavors: *server* application, *client* application, *spreadsheet* application, *word processing* application, and *game* application.

The present invention, as defined by claim 8, describes a single menu system that may be used to control the functionality of more than one *speech-enabled* applications. These features are not taught or suggested by any of the device-oriented references cited by the Examiner.

Diehl Does Not Teach or Suggest Control of Applications.

It is absolutely not the case that *Diehl's* ability to control a physical device teaches or implies anything about his ability to manipulate more than one software application. On the contrary, *Diehl* merely describes a system that permits a single "one unique central authority (23)" to control multiple devices in a manner that enables similar commands to be distinguished from each other. *Diehl* does not control multiple software applications, as required by claim 8 of the present invention.

Meunier Does Not Teach or Suggest Control of Applications.

Meunier does not control software applications either. *Meunier* is simply a disembodied vocabulary training system that applies an acoustic similarity model to received speech utterances for the purpose of discovering similarities and differences between words enrolled in the model. *Meunier* does not control devices. Nor does *Meunier* control speech-enabled software applications. For at least this reason, *Meunier* provides nothing to help *Diehl* control software applications.

Lasar Does Not Teach or Suggest Control of Applications.

Lasar fails as well to teach or suggest controlling software applications. Instead, *Lasar* is directed entirely to converting musical tones into digital signals or numbers, which can then be used to control a given device.

Conclusion

Claims 8-12, 32-34, and 43-46 are patentable. Among other things, they contemplate being applied in a multi-*application* environment where a first speech-enabled application has been designed to control one set of devices (for example a television set and stereo), and a second speech-enabled application has been designed to control another set of devices (for example a computer, a telephone, and a printer). When the same user wishes to install and use these two different applications at the same time, menu conflicts may arise. A verbal command in one menu may collide with a different verbal command in another menu. The present invention solves this problem. It does so by manipulating the menus of the individual applications in a way that enables the two applications to coexist, but also to share their menu structures in a non-conflicting way.

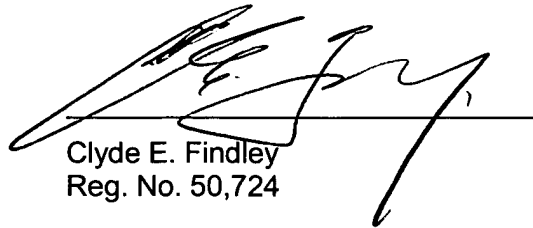
None of the cited references teach or suggest manipulating the menus of multiple applications. Appellants respectfully request the Board to reverse the Examiner's rejection under § 103(a) of claims 8-12, 32-34, and 43-46 and to remand the case for further consideration by the Examiner.

In a paper filed separately, Appellants request an oral hearing under 37 C.F.R. § 1.194. The Examiner's Answer was dated March 12, 2003, so this Request is timely filed. The \$280.00 fee required under § 1.17(d) is authorized to be charged to Kenyon & Kenyon's Deposit Account 11-0600.

Respectfully submitted,

Date:

May 9, 2003



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